IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 797/2006
(Bharat Chouhan Vs. Devyani International Pvt. Ltd.)

Date of Order : 19/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. N.L.Joshi for the petitioner.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 04.2.2004 passed by Additional Chief Judicial Magistrate (Economic Offences) Jodhpur (for short 'the trial court' hereinafter) whereby the trial court took the cognizance of the offence on a private complaint filed by non-petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act' hereinafter).

I have heard learned counsel for the petitioner. Perused the order impugned.

It is contended by learned counsel for the petitioner that the cheque issued by the petitioner was dishonoured on

10.1.2002. A notice was sent by non-petitioner to the petitioner on 22.1.2002 of which the petitioner sent a reply notice on 12.2.2002 and thereafter on 5.3.2002 a complaint was filed. Learned counsel submits that without replying the notice or without settling the account, the complaint has been filed, therefore, the complaint may be quashed.

The contention raised by the learned counsel for the petitioner cannot be accepted. These are the question to be decided in the trial of the case and not at the initial stage. In my view, no case for quashing the criminal complaint is made out.

The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

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